

Attorneys Listed on Signature Page

E-FILED - 1/17/08

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

RAMBUS INC.,

Plaintiff,

v.

HYNIX SEMICONDUCTOR INC., HYNIX
SEMICONDUCTOR AMERICA INC., HYNIX
SEMICONDUCTOR MANUFACTURING
AMERICA INC.,

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
SAMSUNG SEMICONDUCTOR, INC.,
SAMSUNG AUSTIN SEMICONDUCTOR, L.P.,

NANYA TECHNOLOGY CORPORATION,
NANYA TECHNOLOGY CORPORATION
U.S.A.,

Defendants.

CASE NO. C 05-00334 RMW

**STIPULATION AND []
ORDER RESOLVING
MANUFACTURERS' MOTION IN
LIMINE NO. 2 AND RAMBUS'S
MOTION IN LIMINE NO. 5
(DOCUMENT RETENTION AND
DESTRUCTION EVIDENCE)**

Date: January 17, 2008

Time: 2:00 p.m..

Judge: Hon. Ronald M. Whyte

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RAMBUS INC., Plaintiff, vs. MICRON TECHNOLOGY, INC., and MICRON SEMICONDUCTOR PRODUCTS, INC., Defendants.
HYNIX SEMICONDUCTOR INC., HYNIX SEMICONDUCTOR AMERICA INC., HYNIX SEMICONDUCTOR MANUFACTURING AMERICA INC., Plaintiffs, vs. RAMBUS INC., Defendant.

CASE NO. C 06-00244 RMW

CASE NO. C 00-20905 RMW

1 WHEREAS, the above-captioned cases have been phased such that the claims and
2 defenses asserted by the Hynix, Micron, and Nanya entities (the “Manufacturers”) based on
3 allegations of spoliation by Rambus have been, or will be, adjudicated in separate proceedings;

4 WHEREAS, the parties’ claims and defenses set forth in Attachments 1 through 3
5 and 5-5A of the July 31, 2007 Joint Case Management Conference Statement will be tried on
6 January 29, 2008 (hereinafter the “January ’08 Trial”);

7 WHEREAS, as a condition to continued coordination, the Court at the December
8 14, 2007 pretrial conference required the parties to enter into a stipulation addressing limits on
9 evidence of document destruction, document retention, or spoliation; and

10 WHEREAS, the parties have agreed that no party will seek to introduce this
11 stipulation as evidence, or rely on this stipulation or its terms: (i) to defend against any allegation
12 of spoliation or unclean hands in the above-referenced action; (ii) in the action entitled Micron
13 Technology, Inc. v. Rambus Inc. in the United States District Court for the District of Delaware,
14 C.A. No. 00-792 (SLR); (iii) in the action entitled Rambus Inc. v. Micron Technology, Inc., et al.,
15 in the Superior Court of the State of California for the County of San Francisco, Case No. CGC
16 04-431105; or (iv) in any other action.

17 THEREFORE, IT IS STIPULATED AND ORDERED THAT during the January
18 ‘08 Trial, no party shall raise any allegations about the document retention policies or the
19 destruction of documents by any party or about any party’s alleged or adjudicated spoliation of
20 evidence. If, however, a witness testifies about a document that has not been produced, a party
21 may seek leave of the Court to pursue questioning of the witness about what happened to the
22 document or documents. In addition, if a witness testifies that a party has not engaged in the
23 destruction of documents or spoliation of evidence, then a party may seek leave of the Court to
24 pursue questioning of the witness about that assertion. However, before pursuing any line of
25 questioning related to the destruction of documents or spoliation, a party must make an offer of
26 proof explaining the specific line of questioning the party intends to pursue.

27 IT IS ALSO STIPULATED AND ORDERED THAT no party will seek to
28 introduce this stipulation as evidence, or rely on this stipulation or its terms: (i) to defend against

1 any allegation of spoliation or unclean hands in the above-referenced action; (ii) in the action
2 entitled Micron Technology, Inc. v. Rambus Inc. in the United States District Court for the
3 District of Delaware, C.A. No. 00-792 (SLR); (iii) in the action entitled Rambus Inc. v. Micron
4 Technology, Inc., et al., in the Superior Court of the State of California for the County of San
5 Francisco, Case No. CGC 04-431105; or (iv) in any other action.

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8 **SO ORDERED.**

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10 DATED: 1/17/08



11 Hon. Ronald M. Whyte
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1 Dated: January 4, 2008

MUNGER, TOLLES & OLSON LLP

2
3
4 By:/s/

5 Gregory P. Stone
6 Steven M. Perry
7 Peter A. Detre
8 Carolyn Hoecker Luedtke
9 Counsel for Plaintiff RAMBUS INC.

10 Dated: January 4, 2008

11 QUINN EMANUEL URQUHART OLIVER
12 & HEDGES

13 By:/s/

14 Harold A. Barza
15 William Price
16 Robert Becher

17 WEIL, GOTSHAL & MANGES LLP

18 Jared Bobrow
19 John Beynon

20 Counsel for Defendants
21 MICRON TECHNOLOGY INC., et. al.

22 Dated: January 4, 2008

23 THELEN REID BROWN RAYSMAN &
24 STEINER LLP

25 By:/s/

26 Kenneth L. Nissly
27 Susan van Keulen
28 Geoffrey H. Yost

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Jordan Trent Jones

Counsel for Defendants
HYNIX SEMICONDUCTOR INC., et. al.

Dated: January 4, 2008

ORRICK, HERRINGTON & SUTCLIFFE
LLP

By: /s/

Robert E. Freitas
Craig R. Kaufman
Jan Ellard

Counsel for Defendants
NANYA TECHNOLOGY CORP.
et. al.

Filer's Attestation:

I, Carolyn Hoecker Luedtke, am the ECF user whose identification and password are being used to file this **STIPULATION AND [PROPOSED] ORDER RESOLVING MANUFACTURERS' MOTION IN LIMINE NO. 2 AND RAMBUS'S MOTION IN LIMINE NO. 5 (DOCUMENT RETENTION AND DESTRUCTION EVIDENCE)** In compliance with General Order 45.X.B, I hereby attest that Jan E. Ellard, Robert Becher, and Belinda Vega concur in this filing.

By: _____/s/_____

Carolyn Hoecker Luedtke